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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/167767

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 04, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on October 07, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether Petitioner is eligible for Transitional FoodShare.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Belinda Brown

Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner filed this appeal seeking an order directing that she be given transitional FoodShare eligibility as of September 2015.
3. Petitioner was a W-2 recipient. She received her last W-2 check in September 2015.

4. Petitioner's FoodShare case closed as of September 1, 2015 as her household was over the FoodShare income limit for that month. She was sent a notice dated July 31, 2015 that informed her of the case closure.
5. Petitioner's household size is 3.
6. In determining that Petitioner's FoodShare household was over FoodShare income limits the agency found that Petitioner had gross earned income of \$1200 every two weeks, multiplied by 2.15 this is \$2580.00. She also received W-2 in September of \$294.00 and one of her children receives Social Security benefits in the amount of \$795.75 per month. This totals \$3669.75, 222.41% of the Federal Poverty Level for a group of 3.
7. Petitioner's notices include the JobNet language.

### **DISCUSSION**

Transitional FoodShare benefits are calculated as follows:

#### 5.1.1.2 TFS Benefit Calculation

The TFS allotment is calculated using the income (less the W2 payment), expenses, and food group size from the month prior to the last W-2 cash payment (benefit determination month). This amount is frozen for the next 5 consecutive months, regardless of the number of months remaining in the most recent certification period for regular FS....

*FoodShare Wisconsin Handbook (FSH), §5.1.1.2.*

In order to receive transitional FoodShare a person must meet the following standard:

#### 5.1.1.1 TFS Introduction

Transitional FoodShare (TFS) benefits automatically extend FoodShare benefit eligibility for 5 months to food units whose Wisconsin Works ( W-2 ) or Tribal TANF (TT) cash assistance ends as long as:

1. the member was part of an active FS case in the benefit month and the month the last W-2 or TT payment was issued, ...

*FSH, §5.1.1.1.*

The problem for Petitioner here is that her FoodShare case was not open in the month during which she received her last W-2 check.

I also note that I also checked to see if Petitioner was categorically eligible for FoodShare as a JobNet case but she is not as household income exceeded 200% of the Federal Poverty Level for a group of 3 (\$3350.00, *FSH, §8.1.1.1.*):

#### 4.2.1.1 Categorical Eligibility Introduction

Most FoodShare groups are considered categorically eligible if their gross income is at or below 200% FPL and the language describing "JobNet" Services, a partially TANF funded service that all food unit members are authorized to receive, is issued to the group on a CARES generated notice of decision. The following text will appear on FS approval and change notices.

"Job Center of Wisconsin" (formerly known as JobNet) is available to you. Job Center of Wisconsin is the single largest source of job openings in Wisconsin, you can access Job Center of Wisconsin via the internet at <http://www.wisconsinjobcenter.org/> or on touch screen monitors at your local job center. To locate a Job Center of Wisconsin nearest you call 1-██████████"

*FSH, §4.2.1.1.*

### **CONCLUSIONS OF LAW**

That Petitioner does not meet the criteria necessary for transitional FoodShare eligibility.

**THEREFORE, it is**

### **ORDERED**

That this appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 30th day of October, 2015

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\sDavid D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on October 30, 2015.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability